

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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GERALD ULIBARRI and  
WHITE RIVER ROYALTIES, LLC.,

Plaintiffs,

vs.

1:16-cv-00215-KWR-JHR

SOUTHLAND ROYALTY COMPANY, LLC,

Defendant.

**ORDER TO SHOW CAUSE**

**THIS MATTER** comes before the Court *sua sponte*. This is a putative class action. The class has not yet been certified.

On February 3, 2020, Defendant filed a suggestion of bankruptcy, indicating that the case was automatically stayed pursuant to 11 U.S.C. § 362, because it filed a voluntary petition under Chapter 11. **Doc. 192**; *In re Southland Royalty Company, LLC*, Case No. 20-bk-101580 KBO (D. Del), Doc. 1907, filed August 2, 2021.

The Honorable Robert C. Brack subsequently denied Plaintiffs' motion for class certification without prejudice and stayed the case. **Doc. 193**.

It appears that the Defendant's Chapter 11 bankruptcy plan was confirmed, the Defendant reorganized, and Plaintiff Ulibarri subsequently withdrew his proof of claim pursuant to a settlement agreement. *See In re Southland Royalty Company, LLC*, Case No. 20-bk-101580 KBO (D. Del), Doc. 1907, filed August 2, 2021. Plaintiff entered into a settlement agreement with the Plan administrator. *Id.* Plaintiff Ulibarri filed a putative class action adversary proceeding in the

bankruptcy case, which also settled. *Id.*, 21-ap-50056. Therefore, it is unclear whether any claims in this case remain.

Plaintiffs shall show cause whether any claims remain in this case following the reorganization and settlement. If all claims are resolved, Plaintiffs should show cause why this case should not be dismissed. If either party asserts a claim remains, the party or parties should file a brief explaining the interplay between bankruptcy law, confirmation and settlement, and the claims in this case.

If Plaintiffs decline to file a response **within fourteen (14) days** of the entry of this order, the Court will dismiss this case without prejudice and without further notice.

**IT IS SO ORDERED.**



**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**